IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Ganpatlal Vs. State of Raj.
S.B. CR. REVISION PETITION NO.1000/2006

Against order dated 12.09.2006 passed by learned Judicial Magistrate, Mandal in Criminal Original Case No.93/2001.

Date of Order :: 8th November, 2006.

PRESENT

HON'BLE MR.JUSTICE SATYA PRAKASH PATHAK

Mr. P.N. Mohanani for petitioner.
Mr. V.R. Mehta, Public Prosecutor.

BY THE COURT:

The petitioner by moving present criminal revision petition under Sec. 397/401 Cr.P.C. has challenged the order dated 12.09.2006 and consequential orders passed by learned Judicial Magistrate, Mandal in Criminal Original Case No.93/2001, whereby the learned trial Judge summoned Shri P.K. Quarani as a witness under Section 311 Cr.P.C.

Issue notice to the respondent.

Learned Public Prosecutor Mr. V.R. Mehta accepts notice on behalf of the State.

At request of learned for the parties, the matter is finally disposed of at admission stage.

The contention of learned counsel for the petitioners is that the learned trial court examined witness PW6 Shri P.K. Qurani in relation to a document, copy of which was not supplied to the accused petitioner and his objection in this regard was not considered by the learned trial court, therefore, the present revision petition should be admitted.

I have considered the submissions made before me and perused the order dated 03.10.2006 passed by learned Judicial Magistrate, Mandal, District Bhilwara. It appears from the perusal of the order impugned that the learned trial court has stated in the order that admissibility of the document will

be taken care at the time of final disposal of the case, therefore, I do not see any reason to interfere in the order passed by the learned trial court. It is correct that copy of the document was required to be supplied to the petitioner.

In the above circumstances, I do not find any merit in the revision petition but at the same time it is expected from the learned trial court that while deciding the matter finally, a copy of the document be supplied to the petitioner and shall consider the above aspect of the matter as stated in the impugned order and shall provide opportunity of hearing to the petitioner.

With the above observation, the revision petition stands disposed of.

(SATYA PRAKASH PATHAK)J.

vij